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June 27, 2008

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Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street, Room 660
New York, New York 10007

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DATE FILED: 6-30-08

Re: Ana Ghoreishian and Reed Dickson v. The City of New York, et al., 08
CV 5296 (VM)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for the defendant City of New York in this action. I am writing, with plaintiffs' counsel's consent, to respectfully request an enlargement of time from July 1, 2008 to September 2, 2008, to respond to the complaint on behalf of the City of New York.¹

There are several reasons for seeking this enlargement of time to respond to the complaint. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Here, it is alleged that plaintiffs were subjected to excessive force and arrested on August 11, 2006. Plaintiffs also allege that the charges were adjourned in contemplation of dismissal on May 24, 2007, and hence are sealed. Currently, this office is in the process of forwarding to plaintiffs' counsel for execution a consent and authorization for the release of records that may have been sealed

¹Plaintiff's counsel has indicated that the individually named defendants, Police Officers Zaka Rehman and Joshua Kiess were served with the summons and complaint in this action, but as of this date no request for representation has been received from any of them. Without appearing on their behalf, it is respectfully requested that, if they have been served, the same extension be granted to them in order to ensure that their defenses are not jeopardized while representation issues are being decided.

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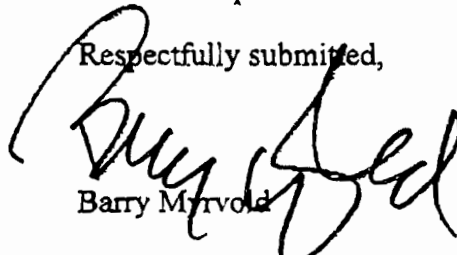
pursuant to N. Y. Criminal Procedure Law § 160.50. The executed release is necessary for this office to obtain the District Attorney, Criminal Court and police records pertaining to the plaintiffs' alleged false arrest and excessive force claims. This office is also in the process of forwarding to plaintiffs' counsel for execution medical releases, which are necessary for our office to obtain the medical records pertaining to plaintiffs' alleged physical injuries and treatment.

Further, if the individual officer defendants have been properly served, the sixty-day extension should allow time for this office to determine, pursuant to N.Y. General Municipal Law § 50-k and based on a review of the facts of the case, whether we may represent the individual police officer defendants. *See Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

Accordingly, we respectfully request that the City's time to respond to the complaint be enlarged to September 2, 2008. No previous request for an enlargement of time to respond to the complaint has been made in this action.


I thank the Court for its time and consideration of this request.

Respectfully submitted,


Barry Myrvold

cc: Jonathan Moore
Beldock, Levin & Hoffman, LLP
Attorneys for Plaintiffs

By Fax (212) 674-4614

Request GRANTED. The time for defendant(s) to answer or otherwise move with respect to the complaint in this action is extended to <u>9-2-08</u>	
SO ORDERED.	
<u>6-30-08</u> DATE	 VICTOR MARRERO, U.S.D.J.